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Initiative Petition Information Sheet

Title of Petition: Initiative Petition for a Law Relative to Updating the Bottle Bill

Petition Number: 13-13

Proponents' Contact

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Proponents' Attorney

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Optional:

Will the proponents propose a summary by the Monday, 5 days after the petition-filing deadline?

☒ Yes ☐ No

Will the proponents submit a memo of law by the Friday 9 days after the petition-filing deadline?

☐ Yes ☒ No

Please note that the above information will be made available to the public and particularly to possible opponents of certification. The Proponent and Proponents' Attorney (if any) will receive copies of any materials submitted by the public regarding certification.

(to be filled in by Attorney General's Office staff)

AGO Staff Person Receiving Petition: PS

Date: 8/7/13

Initiative Petition for a Law Relative to Updating the Bottle Bill

Be it enacted by the People, and by their authority:

SECTION 1. Section 321 of chapter 94 of the General Laws is hereby amended by deleting the definition of "Beverage" and replacing it with the following definition:-

"Beverage", soda water or similar carbonated soft drinks, noncarbonated non-alcoholic beverages in liquid form intended for human consumption, mineral water, beer, and other malt beverages. This definition excludes beverages that are primarily derived from dairy products, infant formula, united states food and drug administration-approved medicines, wine, and alcoholic beverages other than beer and malt beverages as defined in chapter one hundred and thirty-eight.

SECTION 2. Paragraph 3 of said section 321 of said chapter 94 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:-

This definition shall not include containers made of paper-based biodegradable material and aseptic multi-layer packaging.

SECTION 3. Said section 321 of said chapter 94 is hereby further amended by inserting after the definition of "Plastic bottle" the following definition:-

"Redemption center", any business whose primary purpose is the redemption of beverage containers and which is not ancillary to any other business.

SECTION 4. Said section 321 of said chapter 94 is hereby further amended by inserting after the definition of "Reusable beverage container" the following definition:-

"Small dealer", any person or business, including any operator of a vending machine, who engages in the sale of beverages in beverage containers to consumers in the commonwealth, with a contiguous retail space of 3,000 square feet or less, exclusive of office and stock room space; and fewer than four (4) locations under the same ownership within the Commonwealth.

SECTION 5. Section 322 of said chapter 94 is hereby amended by inserting after said section the following section:-

Section 322A: The secretary of the executive office of energy and environmental affairs shall review the refund value as referenced in section 322 every five (5) years and adjust said amount to the nearest whole cent to reflect the consumer price index as reported by the united states department of labor, but in no case shall the refund value be less than five (5) cents.

SECTION 6. Paragraph (c) of said section 323 of said chapter 94 of the General Laws is hereby amended by striking out the words "one cent" and inserting in place thereof the words "three and one half cents" and by adding the following sentence:-

The handling fee shall be reviewed every five (5) years by the secretary of the executive office of energy and environmental affairs and adjustments made to reflect the consumer price index as reported by the united states department of labor, or equivalent index selected by the secretary if the consumer price index is discontinued, as well as industry-specific increases or decreases in costs incurred by redemption centers.

SECTION 7. Paragraph (d) of said section 323 of said chapter 94 is hereby amended by striking out the words "one cent" and inserting in place thereof the words "three and one half cents" and by adding the following sentence:-

The handling fee shall be reviewed every five (5) years by the secretary of the executive office of energy and environmental affairs and adjustments made to reflect the consumer price index as reported by the united states department of labor, or equivalent index selected by the secretary if the consumer price index is discontinued, as well as industry-specific increases or decreases in costs incurred by redemption centers.

SECTION 8. Paragraph (f) of said section 323 of said chapter 94 is hereby amended by changing the period at the end of the current paragraph into a comma, and adding the words "or for which there is no Massachusetts refund legend on the beverage container."

SECTION 9. Said chapter 94 is hereby further amended by inserting after section 323E the following section:-

Section 323F. (a) There shall be established on the books of the commonwealth a separate fund to be known as the clean environment fund. All abandoned deposits collected pursuant to chapter 94, section 323D shall be deposited into the clean environment fund. Amounts deposited in said fund shall be used, subject to appropriation, for programs including but not limited to projects supporting the proper management of solid waste, water resource protection, parkland, urban forestry, air quality and climate protection.

SECTION 10. Paragraph (b) of said section 323 of said chapter 94 is hereby amended by inserting the following words after the current paragraph:- Notwithstanding any general or special law to the contrary, the secretary of the executive office of energy and environmental affairs shall, on or before June 22, 2015, promulgate regulations providing small dealers with the right to seek exemptions from accepting empty deposit containers. Said regulations shall consider at least the health and safety of the public, and the convenience for the public, including distribution of dealers and redemption centers by population or by distance or both.

SECTION 11. This act shall take effect on April 22, 2015.

Original Signers

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